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10	NORTHERN DISTRICT OF CALIFORNIA
11	SAN JOSE DIVISION
12 13	
14	UNITED STATES OF AMERICA,) No. 11-CR-00701 DLJ
15	Plaintiff,) STIPULATION AND [] ORDER CONTINUING HEARING TO
16	v.)
17	RODOLFO PEREZ-MORALES,)
18	Defendant.)
19)
20	IT IS HEREBY STIPULATED between the parties and based upon such stipulation it is
21	hereby ordered, that the sentencing hearing for the defendant in the above-entitled case, currently
22	scheduled for May 24, 2012 at 9 am be continued and rescheduled to June 21, 2012 at 9am. The
23	parties by and through their counsel of record, hereby stipulate to the following: The parties have jointly agreed that the current sentencing hearing date of May 24, 2012 at 9am be continued until
24	June 21, 2012 at 9am.
25	The reason for the continuance is that Government counsel is seeking the plea colloquy
26	transcript from the defendant's February 23, 2012 change of plea hearing in this matter. Defense

counsel is contending that the defendant may not be sentenced to more than the statutory

maximum of 24 months pursuant to 18 U.S.C. Section 1326(a) because the defendant did not

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Case 5:11-cr-00701-DLJ Document 25 Filed 05/23/12 Page 2 of 2

admit the date of his deportation at his change of plea hearing. See Defendant's May 17, 2012 1 2 Sentencing Memorandum. (Doc. No. 23). The Government requires additional time to obtain 3 and review the plea colloquy transcript to determine whether the defendant admitted the date of 4 his deportation. 5 The Government may submit its sentencing memorandum on or by June 14, 2012. 6 It is so stipulated. 7 8 9 10 11 DATED: May 18, 2012 **MELINDA HAAG United States Attorney** 12 13 CAROLYNE ARANGO SANIN 14 Special Assistant United States Attorney 15 16 CYNTHIA LIE 17 Attorney for Defendant 18 19 [] ORDER 20 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY 21 ORDERS that the sentencing hearing in this matter previously set for May 24, 2012 at 9am be 22 continued and rescheduled to June 21, 2012 at 9am. The sentencing memorandum deadline shall 23 be extended to June 14, 2012. 24 IT IS SO ORDERED. 25 DATED: Í EDECET G 26 UNITED STATES DISTRICT JUDGE 27 28